

Remarks

By this response to the Office Action claims 26-29 have been canceled and claims 2-6, 12-20, 22, and 24-25 remain in the patent application.

Response to the Election / Restriction Requirement**Claims 26-29**

Claims 26-29 added in the 07/22/04 response have been canceled per this amendment to place the remaining claims in condition for allowance and to avoid the restriction requirement.

Changes to claims to comply with 37 CFR 1.173(b)

The Examiner states that the amendments filed 05/31/01, 07/02/02, 01/30/03, 05/12/03, 09/17/03, 02/09/04, and 07/22/04 do not comply with 37 CFR 1.173(b) and that any subsequent amendment to the specification and/or claims must comply. The claims in this response have been marked in accordance with 37 CFR 1.173(b) to indicate "Once amended", "Twice amended", etc. Further, the matter omitted by reissue is enclosed in brackets and the matter added by reissue is underlined to be in compliance with 37 CFR 1.173(b)

Supplemental Oath and Declaration to comply with 1414.01

The Examiner states that the original declaration filed 6/14/00 does not appear to clearly set forth the error being corrected. Specifically, the language identified in the declaration cannot be found in any specific claim and no claim has been identified as being in error.

The present patent application is a reissue of U.S. Patent 5,850,600 that included a previously submitted oath and declaration that identified the error as: "The attorney failed to appreciate the full scope of the invention and unduly restricted the invention by requiring that base stations in adjacent cells must each be assigned different frequencies for communication, and that user stations within adjacent cells have to also be assigned different frequencies for communication. The possibility of this error was first discovered after payment of the issue fee, but

the attorney did not fully appreciate the proper scope of the invention until after conducting an investigation which was not completed until after the patent issued.”

According to MPEP §1414.01, the reissue oath/declaration needs to identify an expression in an original claim, and how it renders the original patent wholly or partly inoperative or invalid. Applicant points to claim 1 from U.S. Patent 5,850,600 that recited “one or more user stations”, and further recited, “each user station in said first cell is assigned a second transmission frequency for transmitting to said base station for the respective first cell, said second transmission frequency not being assigned to any user station in any cell in said pattern of cells adjacent to said first cell.”

Thus, the previously submitted oath and declaration identified the error as including user stations within adjacent cells having to also be assigned different frequencies for communication. It is now pointed out that in this present patent application that the corresponding independent claim, i.e., claim 4, does not recite the expression “one or more user stations” nor does it recite the limitation that “user stations within adjacent cells have to also be assigned different frequencies for communication”.

Defective 3.73(b) statement

The Office Action states that under 35 U.S.C. §3.73(b) the assignee failed to set forth that the assignee holds the ‘entire title, right, and interest’. The attached document shows the entire chain of title (reel/frame #'s) and clearly shows 100% assignment to Intel to satisfy the 3.73 b statement for P11511C2R. Further, the attached Request for Customer Number shows that the person signing the statement is authorized to sign on behalf of the assignee.

Allowable Subject Matter

The Office Action states that claims 2-6, 12-20, 22, 24, and 25 are allowable over the prior art of record.

Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed April 03, 2007, and reconsideration of this patent application is requested. It is submitted that claims 2-6, 12-20, 22, and 24-25 as indicated by the Examiner are in condition for allowance. Allowance of these claims is earnestly solicited.

Applicant herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated April 03, 2007, for 1 month. Please charge Deposit Account #50-0221 in the amount of \$120.00 for a one month extension. Should it be determined that an additional fee is due under 37 CFR §1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 715-5388 is respectfully solicited.

Respectfully submitted,
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